

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

BENJAMIN SALOFI ASaeli,  
Petitioner,

v.

RON FRAKER,  
Respondent.

CASE NO. C12-5613-RJB-KLS

ORDER GRANTING LEAVE TO  
FILE MEMORANDUM OF LAW IN  
SUPPORT OF 2254 PETITION

Before the Court is Petitioner Benjamin Salofi Asaeli's Motion for Leave to File Memorandum of Law in Support of 2254 Petition. ECF No. 3. Petitioner has not submitted a proposed memorandum nor asked for a specific amount of time to file his memorandum. *Id.* The petition has not yet been served on the Respondent.

The petition for writ of habeas corpus will be served on the Respondent. Within forty-five (45) days after such service, the Respondent will file and serve an answer in accordance with Rule 5 of the Rules Governing § 2254 Cases in United States District Courts which will include relevant portions of the state court record. As part of such answer, Respondent will address whether Petitioner has exhausted available state remedies, whether an evidentiary hearing is necessary, and whether there is any issue of abuse of delay under Rule 9. Upon receipt of the answer, the Clerk will note the matter for consideration on the fourth Friday after the answer is filed. Mr. Asaeli will then have

1 an opportunity to file and serve a response not later than on the Monday immediately  
2 preceding the Friday appointed for consideration of the matter, and Respondent may file  
3 and serve a reply brief not later than the Friday designated for consideration of the matter.

4 Thus, Mr. Asaeli may wait until after his petition has been served and Respondent  
5 has filed an answer before submitting his supporting memorandum. If Mr. Asaeli wishes  
6 to file a supporting memorandum prior to that time, he may do so on or before **August**  
7 **20, 2012**. Respondent's time to file his answer will be adjusted accordingly.

8 Accordingly, it is **ORDERED**:

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- 10 (1) Petitioner's motion for leave to file supporting memorandum (ECF No. 3)  
11 is **GRANTED**. Petitioner may file a memorandum supporting his 2254  
12 petition for writ of habeas corpus **on or before August 20, 2012**.
- 13 (2) The Clerk is directed to send copies of this Order to Petitioner and counsel  
14 for Respondent.

15 DATED this 23rd day of July, 2012.

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18 Karen L. Strombom  
United States Magistrate Judge

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